

1 “PART D—PROMOTIONAL PROGRAMS

2 “CHAPTER 551—COASTWISE TRADE

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3 “§ 55101. Application of coastwise laws

4 “(a) IN GENERAL.—Except as provided in subsection (b), the coastwise
5 laws apply to the United States, including the island territories and posses-
6 sions of the United States.

7 “(b) EXCEPTIONS.—The coastwise laws do not apply to—

8 “(1) the Virgin Islands until the President declares by proclamation
9 that the coastwise laws apply to the Virgin Islands; or

10 “(2) American Samoa.

11 “§ 55102. Transportation of merchandise

12 “(a) DEFINITION.—In this section, the term ‘merchandise’ includes—

13 “(1) merchandise owned by the United States Government, a State,
14 or a subdivision of a State; and

15 “(2) valueless material.

16 “(b) REQUIREMENTS.—Except as otherwise provided in this chapter or
17 chapter 121 of this title, a vessel may not provide any part of the transpor-
18 tation of merchandise by water, or by land and water, between points in
19 the United States to which the coastwise laws apply, either directly or via
20 a foreign port, unless the vessel—

21 “(1) is wholly owned by citizens of the United States for purposes
22 of engaging in the coastwise trade; and

23 “(2) has been issued a certificate of documentation with a coastwise
24 endorsement under chapter 121 or is exempt from documentation but
25 would otherwise be eligible for such a certificate and endorsement.

“(c) PENALTY.—Merchandise transported in violation of subsection (b) is liable to seizure by and forfeiture to the Government. Alternatively, an amount equal to the value of the merchandise (as determined by the Secretary of Homeland Security) or the actual cost of the transportation, whichever is greater, may be recovered from any person transporting the merchandise or causing the merchandise to be transported.

“§ 55103. Transportation of passengers

“(a) IN GENERAL.—Except as otherwise provided in this chapter or chapter 121 of this title, a vessel may not transport passengers between ports or places in the United States, either directly or via a foreign port, unless the vessel—

“(1) is wholly owned by citizens of the United States for purposes of engaging in the coastwise trade; and

“(2) has been issued a certificate of documentation with a coastwise endorsement under chapter 121 or is exempt from documentation but would otherwise be eligible for such a certificate and endorsement.

“(b) PENALTY.—The penalty for violating subsection (a) is \$300 for each passenger transported and landed.

“§ 55104. Transportation of passengers between Puerto Rico and other ports in the United States

“(a) DEFINITIONS.—In this section:

“(1) CERTIFICATE.—The term ‘certificate’ means a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation issued by the Federal Maritime Commission under section 44102 of this title.

“(2) PASSENGER VESSEL.—The term ‘passenger vessel’ means a vessel of similar size, or offering similar service, as any other vessel transporting passengers under subsection (b).

“(b) EXEMPTION.—Except as otherwise provided in this section, a vessel not qualified to engage in the coastwise trade may transport passengers between a port in Puerto Rico and another port in the United States.

“(c) EXPIRATION OF EXEMPTION.—

“(1) WHEN COASTWISE-QUALIFIED VESSEL OFFERING SERVICE.—On a showing to the Secretary of the department in which the Coast Guard is operating, by the vessel owner or charterer, that a United States passenger vessel qualified to engage in the coastwise trade is offering or advertising passenger service between a port in Puerto Rico and another port in the United States pursuant to a certificate, the Secretary shall notify the owner or operator of each vessel transporting passengers under subsection (b) to terminate that transportation within 270 days after the Secretary’s notification. Except as provided in sub-

section (d), the authority to transport passengers under subsection (b) expires at the end of that 270-day period.

“(2) WHEN NON-COASTWISE-QUALIFIED VESSEL OFFERING SERVICE.—On a showing to the Secretary, by the vessel owner or charterer, that a United States passenger vessel not qualified to engage in the coastwise trade is offering or advertising passenger service between a port in Puerto Rico and another port in the United States pursuant to a certificate, the Secretary shall notify the owner or operator of each foreign vessel transporting passengers under subsection (b) to terminate that transportation within 270 days after the Secretary’s notification. Except as provided in subsection (d), the authority of a foreign vessel to transport passengers under subsection (b) expires at the end of that 270-day period.

“(d) DELAYING EXPIRATION.—If the vessel offering or advertising the service described in subsection (c) has not begun that service within 270 days after the Secretary’s notification, the expiration provided by subsection (c) is delayed until 90 days after the vessel offering or advertising the service begins that service.

“(e) REINSTATEMENT OF EXEMPTION.—If the Secretary finds that the service on which an expiration was based is no longer available, the expired authority to transport passengers is reinstated.

“§ 55105. Transportation of hazardous waste

“(a) IN GENERAL.—The transportation of hazardous waste, as defined in section 1004(5) of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6903(5)), from a point in the United States to sea for incineration is deemed to be transportation of merchandise under section 55102 of this title.

“(b) NONAPPLICATION TO CERTAIN FOREIGN VESSELS.—

“(1) IN GENERAL.—Subsection (a) does not apply to transportation performed by a foreign-flag ocean incineration vessel owned by or under construction on May 1, 1982, for a corporation wholly owned by citizens of the United States under section 50501(a)–(c) of this title.

“(2) STANDARDS FOR INCINERATION EQUIPMENT.—Incineration equipment on a vessel described in paragraph (1) must meet standards of the Coast Guard and the Environmental Protection Agency.

“(3) INSPECTION.—A vessel described in paragraph (1) shall be inspected by the Coast Guard, regardless of whether inspected by the flag nation. The inspection shall be the same as would be required of a vessel of the United States, including drydock inspection and internal examination of tanks and void spaces. The inspection may be made concurrently with an inspection by the flag nation or within one year after

the initial issuance or next scheduled issuance of the Safety of Life at Sea Safety Construction Certificate. In making the inspection, the Coast Guard shall refer to the condition of the hull and superstructure established by the initial foreign certification as the basis for evaluating the current condition of the hull and superstructure. The Coast Guard shall allow the substitution of fittings, material, apparatus, equipment, and appliances different from those required for vessels of the United States if satisfied they are equivalent and at least as effective as those required for vessels of the United States. A satisfactory inspection under this paragraph shall be certified in writing by the Secretary of the department in which the Coast Guard is operating.

“(c) EFFECTIVE DATE.—Subsection (a) is not effective until an appropriate vessel has been built and documented under chapter 121 of this title.

“§ 55106. Merchandise transferred between barges

“(a) IN GENERAL.—On terms and conditions the Secretary of Homeland Security may prescribe by regulation, the Secretary may suspend the application of section 55102 of this title to the transportation of merchandise that is transferred, when moving in the foreign trade of the United States, from a barge certified by the owner or operator as designed specifically for carriage on a vessel and carried regularly on a vessel in foreign trade, to another such barge owned or leased by the same owner or operator. However, this subsection does not apply to transportation between the continental United States and noncontiguous States, territories, or possessions to which the coastwise laws apply.

“(b) RECIPROCITY REQUIREMENT FOR FOREIGN VESSELS.—This section applies to a vessel of foreign registry only if the Secretary of Homeland Security finds, based on information from the Secretary of State, that the government of the nation of registry extends reciprocal privileges to vessels of the United States.

“§ 55107. Empty cargo containers and barges

“(a) IN GENERAL.—Subject to subsections (b) and (c), and on terms and conditions the Secretary of Homeland Security may prescribe by regulation, section 55102 of this title does not apply to the transportation of—

“(1) empty cargo vans, empty lift vans, or empty shipping tanks;

“(2) equipment for use with cargo vans, lift vans, or shipping tanks;

“(3) empty barges specifically designed for carriage aboard a vessel and equipment (except propulsion equipment) for use with those barges;

“(4) empty instruments for international traffic exempted from the customs laws under section 322(a) of the Tariff Act of 1930 (19 U.S.C. 1322(a)); or

1 “(5) stevedoring equipment and material.

2 “(b) CONDITIONS.—

3 “(1) CLAUSES (1)–(4).—Clauses (1)–(4) of subsection (a) apply only
4 if the items named are owned or leased by the owner or operator of
5 the vessel and transported for its use in handling its cargo in foreign
6 trade.

7 “(2) CLAUSE (5).—Clause (5) of subsection (a) applies only if the
8 items named are—

9 “(A) owned or leased by the owner or operator of the vessel or
10 by the stevedoring company having the contract for the loading or
11 unloading of the vessel; and

12 “(B) transported without charge for use in the handling of
13 cargo in foreign trade.

14 “(c) RECIPROCITY REQUIREMENT FOR FOREIGN VESSELS.—This section
15 applies to a vessel of foreign registry only if the Secretary of Homeland Se-
16 curity finds, based on information from the Secretary of State, that the gov-
17 ernment of the nation of registry extends reciprocal privileges to vessels of
18 the United States.

19 **“§ 55108. Platform jackets**

20 “(a) DEFINITIONS.—In this section:

21 “(1) COASTWISE QUALIFIED VESSEL.—The term ‘coastwise qualified
22 vessel’ means a vessel that has been issued a certificate of documenta-
23 tion with a coastwise endorsement under chapter 121 of this title.

24 “(2) PLATFORM JACKET.—The term ‘platform jacket’ refers to a
25 single physical component and includes any type of offshore explo-
26 ration, development, or production structure or component thereof, in-
27 cluding—

28 “(A) platform jackets;

29 “(B) tension leg or SPAR platform superstructures (including
30 the deck, drilling rig and support utilities, and supporting struc-
31 ture);

32 “(C) hull (including vertical legs and connecting pontoons or
33 vertical cylinder);

34 “(D) tower and base sections of a platform jacket;

35 “(E) jacket structures; and

36 “(F) deck modules (known as ‘topsides’).

37 “(b) AUTHORIZED TRANSPORTATION.—Section 55102 of this title does
38 not apply to the transportation of a platform jacket in or on a non-coastwise
39 qualified launch barge between two points in the United States, at one of
40 which there is an installation or other device within the meaning of section
41 4(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)), if—

“(1) the launch barge was built before December 31, 2000, and has a launch capacity of at least 12,000 long tons; and

“(2) the Secretary of Transportation makes a determination, in accordance with procedures established under subsection (c), that a suitable coastwise qualified vessel is not available for use in the transportation and, if needed, launch or installation of a platform jacket.

“(c) PROCEDURES TO MAXIMIZE USE OF COASTWISE QUALIFIED VESSELS.—The Secretary of Transportation shall adopt procedures implementing this section that are reasonably designed to provide timely information so as to maximize the use of coastwise qualified vessels. The procedures shall, among other things, establish that for purposes of this section, a coastwise qualified vessel shall be deemed to be not available only if—

“(1) on application by an owner or operator for the use of a non-coastwise qualified launch barge for transportation of a platform jacket under this section (which application shall include all relevant information, including engineering details and timing requirements), the Secretary promptly publishes a notice in the Federal Register—

“(A) describing the project and the platform jacket involved;

“(B) advising that all relevant information reasonably needed to assess the transportation requirements for the platform jacket will be made available to interested parties on request; and

“(C) requesting that information on the availability of coastwise qualified vessels be submitted within 30 days after publication of that notice; and

“(2)(A) no information is submitted to the Secretary within that 30 day period; or

“(B) the owner or operator of a coastwise qualified vessel submits information to the Secretary asserting that the owner or operator has a suitable coastwise qualified vessel available for the transportation, but the Secretary determines, within 90 days after the notice is first published, that the coastwise qualified vessel is not suitable or reasonably available for the transportation.

“§ 55109. Dredging

“(a) IN GENERAL.—Except as provided in subsection (b), a vessel may engage in dredging in the navigable waters of the United States only if—

“(1) the vessel is wholly owned by citizens of the United States for purposes of engaging in the coastwise trade;

“(2) the charterer, if any, is a citizen of the United States for purposes of engaging in the coastwise trade; and

“(3) the vessel has been issued a certificate of documentation with a coastwise endorsement under chapter 121 of this title or is exempt

1 from documentation but would otherwise be eligible for such a certifi-
 2 cate and endorsement.

3 “(b) DREDGING OF GOLD IN ALASKA.—A documented vessel with a reg-
 4 istry endorsement may engage in the dredging of gold in Alaska.

5 “(c) PENALTY.—If a vessel is operated in knowing violation of this sec-
 6 tion, the vessel and its equipment are liable to seizure by and forfeiture to
 7 the United States Government.

8 **“§ 55110. Transportation of dredged material**

9 “Section 55102 of this title applies to the transportation of valueless ma-
 10 terial or dredged material, regardless of whether it has commercial value,
 11 from a point in the United States or on the high seas within the exclusive
 12 economic zone, to another point in the United States or on the high seas
 13 within the exclusive economic zone.

14 **“§ 55111. Towing**

15 “(a) IN GENERAL.—Except when towing a vessel in distress, a vessel may
 16 not do any part of any towing described in subsection (b) unless the towing
 17 vessel—

18 “(1) is wholly owned by citizens of the United States for purposes
 19 of engaging in the coastwise trade; and

20 “(2) has been issued a certificate of documentation with a coastwise
 21 endorsement under chapter 121 of this title or is exempt from docu-
 22 mentation but would otherwise be eligible for such a certificate and en-
 23 dorsement.

24 “(b) APPLICABLE TOWING.—Subsection (a) applies to the towing of—

25 “(1) a vessel between ports or places in the United States to which
 26 the coastwise laws apply, either directly or via a foreign port or place;

27 “(2) a vessel from point to point within the harbors of ports or
 28 places to which the coastwise laws apply; or

29 “(3) a vessel transporting valueless material or dredged material, re-
 30 gardless of whether it has commercial value, from a point in the United
 31 States or on the high seas within the exclusive economic zone, to an-
 32 other point in the United States or on the high seas within the exclu-
 33 sive economic zone.

34 “(c) PENALTIES.—

35 “(1) OWNER AND MASTER.—The owner and master of a vessel tow-
 36 ing another vessel in violation of this section are each liable for a pen-
 37 alty of at least \$350 but not more than \$1,100. A penalty under this
 38 paragraph constitutes a lien on the vessel. The lien is enforceable in
 39 a district court of the United States for any district in which the vessel
 40 is found. Clearance may not be granted to the vessel until the penalties
 41 have been paid.

1 “(2) VESSEL.—In addition to the penalties under paragraph (1), the
2 towing vessel is liable for a penalty of \$60 per ton based on the ton-
3 nage of each towed vessel.

4 **“§ 55112. Vessel escort operations and towing assistance**

5 “(a) IN GENERAL.—Except in the case of a vessel in distress, only a ves-
6 sel of the United States may perform the following escort vessel operations
7 within the navigable waters of the United States:

8 “(1) Operations that commence or terminate at a port or place in
9 the United States.

10 “(2) Operations required by United States law or regulation.

11 “(3) Operations provided in whole or in part within or through navi-
12 gation facilities owned, maintained, or operated by the United States
13 Government or the approaches to those facilities, other than facilities
14 operated by the St. Lawrence Seaway Development Corporation on the
15 St. Lawrence River portion of the Seaway.

16 “(b) ESCORT VESSELS.—For purposes of this section, an escort vessel
17 is—

18 “(1) any vessel that is assigned and dedicated to assist another ves-
19 sel, whether or not tethered to that vessel, solely as a safety precaution
20 to assist in controlling the speed or course of the assisted vessel in the
21 event of a steering or propulsion equipment failure, or any other simi-
22 lar emergency circumstance, or in restricted waters where additional
23 assistance in maneuvering the vessel is required to ensure its safe oper-
24 ation; and

25 “(2) in the case of a vessel being towed under section 55111 of this
26 title, any vessel that is assigned and dedicated to the vessel being towed
27 in addition to any towing vessel required under that section.

28 “(c) RELATIONSHIP TO OTHER LAW.—This section does not affect sec-
29 tion 55111 of this title.

30 “(d) PENALTY.—A person violating this section is liable to the Govern-
31 ment for a civil penalty of not more than \$10,000 for each day during which
32 the violation occurs.

33 **“§ 55113. Use of foreign documented oil spill response ves-**
34 **sels**

35 “Notwithstanding any other provision of law, an oil spill response vessel
36 documented under the laws of a foreign country may operate in waters of
37 the United States on an emergency and temporary basis, for the purpose
38 of recovering, transporting, and unloading in a United States port oil dis-
39 charged as a result of an oil spill in or near those waters, if—

40 “(1) an adequate number and type of oil spill response vessels docu-
41 mented under the laws of the United States cannot be engaged to re-

cover oil from an oil spill in or near those waters in a timely manner, as determined by the Federal On-Scene Coordinator for a discharge or threat of a discharge of oil; and

“(2) the foreign country has by its laws accorded to vessels of the United States the same privileges accorded to vessels of the foreign country under this section.

“§ 55114. Unloading fish from foreign vessels

“(a) PROHIBITIONS.—Except as otherwise provided by this section or a treaty or convention to which the United States Government is a party, a foreign vessel may not unload, in a port of the United States—

“(1) its catch of fish taken on board on the high seas or fish products processed from that catch of fish; or

“(2) fish or fish products taken on board that vessel on the high seas from a vessel engaged in fishing operations or the processing of fish or fish products.

“(b) REGULATIONS ON OBTAINING INFORMATION.—The Secretary of Commerce may prescribe regulations the Secretary considers necessary to obtain information on the transportation of fish products by vessels of the United States for foreign fish processing vessels to points in the United States.

“(c) VIRGIN ISLANDS EXEMPTION.—A foreign vessel of not more than 50 feet overall in length may unload its catch of fresh fish (whole or with the heads, viscera, or fins removed, but not frozen, otherwise processed, or further advanced) in a port of the Virgin Islands for immediate consumption in those islands. Fish unloaded under this subsection may be sold or transferred only for immediate consumption. In the absence of satisfactory evidence that a sale or transfer to an agent, representative, or employee of a freezer or cannery is for immediate consumption, the sale or transfer is deemed not to be for immediate consumption. This subsection does not prohibit the freezing, smoking, or other processing of fresh fish by the ultimate consumer of the fish.

“(d) SEIZURE, FORFEITURE, AND PENALTY.—Fish unloaded in the Virgin Islands that are retained, sold, or transferred, except as allowed by subsection (c), are liable to seizure by and forfeiture to the Government. A person retaining, selling, transferring, buying, or receiving the fish is liable to the Government for a civil penalty of not more than \$1,000 for each violation. A penalty or forfeiture under this section may be compromised, modified, or remitted under section 2107(b) of this title.

1 **“§ 55115. Supplies on fish processing vessels**

2 “Section 55102 of this title does not apply to supplies aboard a United
3 States documented fish processing vessel that are necessary and used for
4 processing or assembling fishery products aboard such a vessel.

5 **“§ 55116. Canadian rail lines**

6 “Section 55102 of this title does not apply to the transportation of mer-
7 chandise between points in the continental United States, including Alaska,
8 over through routes in part over Canadian rail lines and connecting water
9 facilities if the routes have been recognized by the Surface Transportation
10 Board and rate tariffs for the routes have been filed with the Board.

11 **“§ 55117. Great Lakes rail route**

12 “Section 55102 of this title does not apply to the transportation of mer-
13 chandise loaded on a railroad car or to a motor vehicle with or without a
14 trailer, and with its passengers or contents when accompanied by the opera-
15 tor, when the railroad car or motor vehicle is transported in a railroad car
16 ferry operated between fixed terminals on the Great Lakes as part of a rail
17 route, if—

18 “(1) the car ferry is owned by a common carrier by water and oper-
19 ated as part of a rail route with the approval of the Surface Transpor-
20 tation Board;

21 “(2) the stock of the common carrier by water, or its predecessor,
22 was owned or controlled by a common carrier by rail prior to June 5,
23 1920;

24 “(3) the stock of the common carrier owning the car ferry is, with
25 the approval of the Board, now owned or controlled by a common car-
26 rier by rail; and

27 “(4) the car ferry is built in and documented under the laws of the
28 United States.

29 **“§ 55118. Foreign railroads whose road enters by ferry, tug-
30 boat, or towboat**

31 “A foreign railroad, whose road enters the United States by ferry, tug-
32 boat, or towboat, may own and operate a vessel not having a coastwise en-
33 dorsement in connection with the water transportation of the passenger,
34 freight, express, baggage, and mail cars used by that road, together with
35 the passengers, freight, express matter, baggage, and mails transported in
36 those cars. However, the foreign railroad is subject to the same restrictions
37 imposed by law on a vessel of the United States entering a port of the
38 United States from the same foreign country. Except as otherwise author-
39 ized by this chapter, the ferry, tugboat, or towboat may not, under penalty
40 of forfeiture, be used in the transportation of merchandise between ports
41 or places in the United States to which the coastwise laws apply.

1 **“§ 55119. Yukon River**

2 “Section 55102 of this title does not apply to the transportation of mer-
3 chandise on the Yukon River until the Alaska Railroad is completed and the
4 Secretary of Transportation finds that proper facilities will be available for
5 transportation by citizens of the United States to properly handle the traf-
6 fic.

7 **“§ 55120. Transshipment of imported merchandise intended**
8 **for immediate exportation**

9 “The Secretary of Homeland Security may prescribe regulations for the
10 transshipment and transportation of merchandise that is imported into the
11 United States by sea for immediate exportation to a foreign port by sea,
12 or by a river, the right to ascend or descend which for the purposes of com-
13 merce is secured by treaty to the citizens of the United States and the sub-
14 jects of a foreign power.